IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1743 of 2005

Between:

1. Prattipati Chalapati Rao, S/o.Venkataiah,
   R/o.Kothapet village, H/o.Ganiatkur, Kanchikacherla Mandal,
   Krishna District.
2. Shaik Ibrahim, S/o.Mastan,
   R/o.Kothapet village, H/o.Ganiatkur, Kanchikacherla Mandal,
   Krishna District.
3. Shaik Mysore, S/o.Shaik Gali Saheb,
   R/o.Kothapet village, H/o.Ganiatkur, Kanchikacherla Mandal,
   Krishna District.
4. Prattipati Gangadhara Rao, S/o.Late Nagaiah,
   R/o.Kothapet village, H/o.Ganiatkur, Kanchikacherla Mandal,
   Krishna District.
5. Prattipati Venkateswara Rao, S/o.Late Tirupataiah,
   R/o.Kothapet village, H/o.Ganiatkur, Kanchikacherla Mandal,
   Krishna District.
6. Prattipati Venkaeswara Rao, S/o.Late Nageswara Rao,
   R/o.Kothapet village, H/o.Ganiatkur, Kanchikacherla Mandal,
   Krishna District.
7. Tata Krishna Murthy, S/o.Late Adeyya,
   R/o.Kothapet village, H/o.Ganiatkur, Kanchikacherla Mandal,
   Krishna District.
8. Pamulapati Papaiah, S/o.Late Kanchaiah,
   R/o.Kothapet village, H/o.Ganiatkur, Kanchikacherla Mandal,
   Krishna District.
9. Pattem Mukkantu, S/o.Veeraiah,
   R/o.Kothapet village, H/o.Ganiatkur, Kanchikacherla Mandal,
   Krishna District.

.... PETITIONERS

AND

1. The District Collector, Krishna Distric at Machilipatnam.
2. The Sub-Collector, Krishna District at Machilipatnam.
3. The Mandal Revenue officer, Kanchikacherla Mandal, Krishna District.
4. The Superintending Engineer, Irrigation Department, Krishna District,

Vijayawada.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction, more particularly in the nature of writ of Mandamus directing the respondents to consider the request of the petitioners for
re-conveyance of the acquired land as recommended by the 2nd respondent by proceedings No.B2/ 161/96, dt.01-08-96 situated within the limits of Ganiakur village, Kanchikacherla Mandal, Krishna District.

Counsel for the Petitioners: MR.B.NARASIMHA SARMA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

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ORDER:

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The petitioners seek a writ of Mandamus directing the respondents to consider their request for re-conveyance of the acquired land as recommended by the second respondent dated 01-08-1996, situated within the limits of Kothapet Villagle, Ganiatkur, Kanchikacherla Mandal Krishna District. Their case is that during the year, 1974 small extent of land belonging to the petitioners and others was acquired for localization of the area under Nagarjuna Sagar Project Channel. However, since the acquired land was situated on the tail end and since the same was not put to use for the purpose for which it was acquired, the petitioners continued to cultivate the same. It also appears that vide proceeding dated 31-12-1995, on the basis of the representations made by the petitioners, the District Collector, Krishna District, directed the Sub-Collector to submit a report after due inspection as to possibility of reconveyance. In pursuance thereof, the Sub-Collector, Vijayawada, inspected the site in question and by proceeding dated
08-01-1996, submitted a report to the District Collector that there is no objection for restoration of the small extent of land to the petitioners on the payment of the market rate at Rs.2,000/- per acre stating that the acquired land being located in the tail end, water under the Nagarjuna Sagar Project Channel never reached there and there is no possibility to put the said land to use.

The only grievance of the petitioners in this writ petition is that no further steps have been taken so far on the report submitted by the
Sub-Collector, Vijayawada in spite of repeated requests made by them stating that the said land is the only source of their livelihood.

Having regard to the facts and circumstances of the case, and having heard the learned counsel for both the parties, I deem it appropriate to dispose of the writ

petition, granting liberty to the petitioners to make a fresh application, within a period of four weeks from today, requesting for re-conveyance of the land in question. If any such representation is made within the said period, the same shall be considered by the District Collector-first respondent, in the light of the report submitted by the Sub-Collector on 08-01-1996, and appropriate orders be passed, in accordance with law, within a period of eight weeks thereafter. No order as to costs.

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G. ROHINI, J

Dated: 07-02-2005

Note: Furnish copy in a week.

B/o.

LSK

To

1. The District Collector, Krishna Distric at Machilipatnam.
2. The Sub-Collector, Krishna District at Machilipatnam.
3. The Mandal Revenue officer, Kanchikacherla Mandal, Krishna District.
4. The Superintending Engineer, Irrigation Department, Krishna District, Vijayawada.

5. Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad. (O.U.T.)

6. Two C.D. copies.